

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

LARRY D. SMITH, SR., : **CIVIL ACTION NO. 1:04-CV-2231**

Plaintiff : (Judge Conner)

v. :

ABF FREIGHT SYSTEMS, INC., :

Defendant :

ORDER

AND NOW, this 6th day of December, 2006, upon consideration of defendant's motion for summary judgment (Doc. 35) and statement of material facts (Doc. 37), and it appearing that plaintiff's response to defendant's statement of undisputed material facts (Doc. 44) contains some statements that do not "include references to the parts of the record that support the statements,"¹ and some statements include incomplete references that do not pinpoint specific pages and/or paragraph numbers ("Smith Unsworn Declaration"); see L.R. 56.1; see also Fed. R. Civ. P. 56(e) ("[T]he adverse party's response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial."), it is hereby ORDERED that:

1. Plaintiff shall be permitted to file, on or before January 5, 2007, a revised statement of material facts responding to defendant's statement of material facts (Doc. 37).

¹ For example, plaintiff avers that "The step and the back of the jockey wagon are grated and designed to prevent slipping" but does not include any references to the record supporting these assertions. (See Doc. 44 ¶ 59.)

2. The revised statement of material facts shall include specific references to the parts of the record that support the statements and shall comply in all respects with Local Rule 56.1.
3. Any facts set forth by defendant that are denied by plaintiff without specific references shall be deemed admitted by plaintiff. See L.R. 56.1.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge